

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIM NOLF,)
individually and on behalf of all)
others similarly situated,) Case No. 09-cv-645
)
Plaintiff,) Magistrate Judge Bissoon
)
v.)
)
ALLEGHENY VALLEY BANK) ELECTRONICALLY FILED
OF PITTSBURGH,)
)
Defendant.

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

The Parties, by and through their undersigned counsel, respectfully move this Court for an Order preliminarily approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement. In support of this Motion, the Parties aver as follows:

1. After arms-length negotiations, the Parties have reached a proposed settlement of this putative class action. On or about September 18, 2009, the Parties executed a Class Action Settlement Agreement (“Settlement Agreement” or “Settlement”), a copy of which is attached hereto as Exhibit 1.
2. Consistent with the Memorandum of Law filed herewith, the Parties respectfully request that the Court sign the proposed Order preliminarily approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement.

WHEREFORE, the Parties hereby move this Court for an Order (1) preliminarily approving the terms of the Settlement as set forth in the Settlement Agreement; (2) approving the form of notice and the method of providing notice of the Settlement to the Class as set forth in the Settlement Agreement, and directing that said form of notice be provided to Class Members in that manner; and (3) scheduling a Final Settlement Hearing at which the request for final approval of the proposed Settlement, Plaintiffs' Counsels' application for an award of attorneys' fees and costs, and for the entry of the Final Judgment and Order will be considered.

A proposed Order Preliminarily Approving the Class Settlement, Directing the Issuance of Notice to the Class and Scheduling a Settlement Hearing is attached to the Settlement Agreement as Exhibit "A."

Respectfully Submitted,

/s/ Bruce Carlson

R. Bruce Carlson, Esquire
PA56657
bcarlson@carlsonlynch.com

Gary F. Lynch, Esquire
PA56887
glynch@carlsonlynch.com

CARLSON LYNCH LTD
231 Melville Lane
P.O. Box 367
Sewickley, PA 15143
(p) (412) 749-1677
(f) (412) 749-1686

Attorneys for Plaintiffs

John A. Straka, III
Pa. I.D. No. 58715
john@deedlaw.com

STRAKA & GUSTINE
435 Beaver Street
Sewickley, PA 15143
(412) 741-6000

Counsel for Defendant